IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1935 OF 2004

Vijaysinh M. Bhatia ...Petitioner

Versus

State of Maharashtra & Anr ...Respondents

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Ms. Kokila Kalra, Advocate for Petitioner

Mr. A. S. Khan, Adv.for Respondent No.2

Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 8TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner i.e. original accused, the learned advocate for respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No.3579/S/2002 which is pending in the Court of learned Addl. Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 and 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th

June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned advocate for the respondent No. 2 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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